

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARNETTRA RICHARDSON,)	
)	
Plaintiff,)	
)	
v.)	1:05CV378
)	
AMERICAN UNITED LIFE INSURANCE)	
COMPANY; and STEP ONE, INC.,)	
)	
Defendants.)	

ORDER

This matter is before the Court pursuant to the Court's Order and Judgment dated November 15, 2006, in which the Court entered Judgment in Plaintiff's favor against Defendant American United Life Insurance Company ("AUL" or "Defendant"), and directed the parties to file briefs calculating the total benefits, interest, costs and attorney's fees owed to Plaintiff in light of the Court's Judgment. Plaintiff has submitted an affidavit calculating her total benefits owed as \$102,938.40, plus interest of \$22,259.82. However, Plaintiff notes that the final amount would be "less any credits or offsets deemed appropriate by the Court." Plaintiff also requests costs of \$116.64, and attorney's fees of \$17,500.

In response, Defendant does not contest any of these calculations or requests, but does note that under the terms of the relevant plan, Plaintiff's award of benefits should be offset by any disability benefits Plaintiff received from the Social Security Administration or any other payor of "income benefits." However, Defendant notes that it does not have information from Plaintiff regarding the amounts she received from the Social Security Administration or any

other payor of income benefits. Therefore, in order to properly determine any applicable offset in this case, the Court will direct Plaintiff to provide to Defendant a calculation of her Social Security Administration benefits and any other such income benefits she has received. The Court will also direct Plaintiff to provide written authorization to Defendant permitting the Social Security Administration and any other payor of income benefits to release Plaintiff's information to Defendant. Within thirty days after Plaintiff provides such written authorization, Defendant is directed to file a Supplemental Brief calculating the total amounts owed in light of the information obtained and the Court's Judgment. If additional time is necessary to obtain the requested information, Defendant may request additional time on that basis. If Plaintiff objects to the calculation or the offsets presented by Defendant in its Supplemental Brief, Plaintiff must file a Reply Brief within 10 days thereafter providing the basis for her objection and her alternative calculation.¹

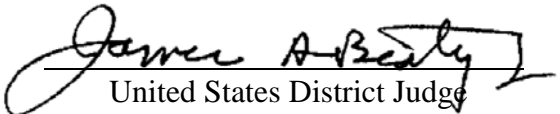
IT IS THEREFORE ORDERED that within ten days after entry of this Order, Plaintiff is to provide Defendant with a calculation of her Social Security Administration benefits and any other such income benefits she has received, and Plaintiff is also to provide written authorization

¹ The Court notes that in its Response Brief, Defendant also contends that Plaintiff has not provided current medical information or medical releases. Pursuant to the Court's Judgment, Plaintiff is entitled to reinstatement under the terms of the Plan, and once reinstated, would then be required to provide any prospective medical information and medical releases going forward as required under the terms of the Plan to continue to qualify for benefits under the Plan.

to Defendant permitting the Social Security Administration and any other payor of income benefits to release Plaintiff's information to Defendant.

IT IS FURTHER ORDERED that within thirty days after Plaintiff provides the written authorization, Defendant is to file a Supplemental Brief calculating the total amounts owed in light of the information obtained and the Court's Judgment. If Plaintiff objects to that calculation or the offsets presented by Defendant, Plaintiff must file a Reply Brief within 10 days thereafter providing the basis for her objection and her alternative calculation.

This, the 8th day of January, 2007.


United States District Judge